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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,396	02/05/2002	Richard St.Clair Bailey	MS1-1006US	4779
22801	7590	11/15/2005	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			ROSWELL, MICHAEL	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/072,396		BAILEY ET AL	
	Examiner		Art Unit	
	Michael Roswell		2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34 and 37-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34 is/are allowed.
- 6) ☒ Claim(s) 37,38 and 40 is/are rejected.
- 7) ☒ Claim(s) 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 37, 38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winamp and Skin.

Regarding claim 37, Winamp teaches a computer processor, a display communicatively coupled with the computer processor, a memory communicatively coupled with the computer processor (inherent, as Winamp is run and displayed on a personal computing system) for storing an original equipment manufacturer-selected application to be executed by the computer processor (taught as Winamp itself being the OEM-selected application run by the processor, with Nullsoft being the OEM), a data source accessible to the OEM-selected application (taught as the media files stored on the personal computing system of Winamp and associated with the player, at page 2 of Winamp), an OEM-provided software that selects a configuration and an appearance of a list of data items from the data source to be presented on the display (taught as the ability to "skin" the Winamp player, further supported by the Skin reference), a list manager capable of being added to the OEM-application and providing an interface between the data source and the list (taught as the use of playlists for displaying and managing Winamp-related media, at page 2 of the Winamp reference), wherein the list manager receives the configuration and the appearance from the OEM-provided software, accesses the data source, and populates the list of data items according to the configuration and the appearance (taught

as the display of a playlist in accordance with the selected skin of the Winamp player, at page 2 of the Winamp reference and seen in the related screenshots of Winamp skins).

Regarding claim 38, Winamp teaches the list manager further populating the list of data items according to a scrolling event, taught as the ability of Winamp to populate a playlist with related media items and control the items one at a time through user interaction, one of these interactions being scrolling through a playlist.

Regarding claim 40, Winamp teaches means for receiving a user-selected data source (the loading of playlist data, at page 2 of the Winamp reference), means for receiving a user-selected display configuration (taught as the aforementioned ability to "skin" Winamp), means for receiving a user-selected application that accesses the user-selected data source (taught as Winamp itself and its display of a related playlist), and means for providing an interface between the user-selected application, data items in the user-selected data source, and a list of at least some of the data items displayed according to the user-selected display configuration (taught as the skinnable GUI of Winamp, that provides accessibility and functionality to the program).

Allowable Subject Matter

Claim 34 is allowed.

Claim 39 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: claim 34 has been amended to overcome the cited prior art, and a further prior art search conducted by the

Examiner yielded no relevant results. The Winamp and Skin references fail to explicitly teach the limitation of generic instructions being executable in different applications to provide the displayed list.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim 39 recites subject matter similar to that of claim 34, and has been objected to as being dependent upon a rejected base claim.

Response to Arguments

Applicant's arguments, see pages 8-9 of the remarks, filed 31 August 2005, with respect to claim 34 have been fully considered and are persuasive. The rejection of claim 34 has been withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeza can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2173

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell
11/10/2005


CAO (KEVIN) NGUYEN
PRIMARY EXAMINER